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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/189,112	11/09/1998	SHMUEL SHAFFER	98P7917US	5131

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

HOM, SHICK C

ART UNIT	PAPER NUMBER
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2666

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DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/189,112

Applicant(s)

SHAFFER ET AL.

Examiner

Shick C Hom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 18 is objected to because of the following informalities: In claim 18 line 2, the word "a ToL call" seem to refer back to "a ToL call" recited in claim 14 line 11. If this is true, it is suggested changing "a ToL call" to ---the ToL call---. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 7-12, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 10 lines 4 and 8 which recite "said call setup message" lacks clear antecedent basis because no call setup message have been previously recited in the claim and therefore

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the limitation is not clearly understood. In claims 7, 11 lines 2, 2-3, and claim 10 lines 8-9 which recite "said message" is not clear as to whether it is reciting said message to abort of claims 6, 10 lines 9, 7, respectively, or said call setup message of claims 7, 10 lines 5, 4, respectively, or what. In claim 16 lines 2-3 which recite "sad bandwidth" lacks clear antecedent basis.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 6-8, 10, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Sriram et al. 96,169,738).

Regarding claim 6:

Sriram et al. disclose the method for communicating in a system including a PBX and a ToL server coupled to a LAN, said

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PBX adapted to process calls for telephony feature access (TFA) devices on said LAN, said ToL server adapted to process calls for ToL devices on said LAN (in Fig. 4, see PBX 105, call processor 125, and ATM network which corresponds to the PBX, ToL server, and LAN and col. 3 lines 30-36), said method comprising: informing said ToL server of a call setup message associated with said PBX and TFA devices (see col. 6 lines 6-41); accessing a database at said ToL server to determine if bandwidth is available on said LAN for a call processed by said PBX; and sending a message to abort said call if bandwidth is not available said ToL server accounting for PBX user bandwidth usage when processing a ToL call (col. 8 line 55 to col. 9 line 27).

Regarding claim 10:

Sriram et al. disclose the method for communicating in a system including a PBX and a ToL server coupled to a LAN (in Fig. 4 see PBX 105, call processor 125, and ATM network which corresponds to the PBX, ToL server, and LAN), said method comprising: informing said ToL server of said call setup message (see col. 6 lines 6-41) accessing a database at said ToL server to determine if bandwidth is available on said LAN for a call processed by said PBX; sending a message to abort said call if bandwidth is not available; further comprising receiving said

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call setup message at said PBX wherein said message is sent to said PBX including informing said ToL server when a call processed by said PBX is completed; and including said ToL server accounting for PBX user bandwidth usage when processing a ToL call (col. 8 line 55 to col. 9 line 27).

Regarding claim 21:

Sriram et al. disclose the method for communicating in a system including a PBX and a ToL server coupled to a LAN (in Fig. 4 see PBX 105, call processor 125, and ATM network which corresponds to the PBX, ToL server, and LAN), said method comprising: informing said ToL server of a call setup message for a call being handled by said PBX on said LAN (see col. 6 lines 6-41); accessing a database at said ToL server to determine bandwidth available on said LAN for said call processed by said PBX; and said ToL server accounting for PBX user bandwidth usage when processing a ToL call (col. 8 line 55 to col. 9 line 27).

Regarding claim 7:

Sriram et al. disclose receiving said call setup message at said PBX; and wherein said message is sent to said PBX (see col. 6 lines 6-41).

Regarding claim 8:

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Sriram et al. disclose informing said ToL server when said call processed by said PBX is completed (col. 8 line 55 to col. 9 line 27).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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8. Claims 1-5 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sriram et al. (6,169,738) in view of wang et al. (6,161,134).

Regarding claims 1, 2, 5, 12-14:

Sriram et al. disclose the telecommunications system, comprising: a private branch exchange (PBX) coupled to a local area network (LAN), a server coupled to said local area network (in Fig. 4 see PBX 105, call processor 125, and ATM network which corresponds to the PBX, ToL server, and LAN), said server configured to provide call processing via said LAN (see col. 6 lines 6-41) and configured to monitor bandwidth usage of calls it has processed on said LAN; one or more second telephony devices operably coupled to said server for call processing (col. 8 line 55 to col. 9 line 27).

Regarding claims 3, 15:

Sriram et al. disclose said accounting means including means associated with said server for aborting a call being processed by said PBX (col. 8 line 55 to col. 9 line 27).

Regarding claims 4, 16:

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Sriram et al. disclose said accounting means including means for preventing a call being processed by said server on said LAN (col. 8 line 55 to col. 9 line 27).

For claims 1, 2, 5, 12-14, Sriram et al. disclose all the subject matter of the claimed invention with the exception of said PBX including a telephony feature access (TFA) gateway, a telephony over LAN (ToL) gatekeeper coupled to said LAN, and one or more telephony devices operably coupled to said TFA gateway for call processing; and means associated with said server for accounting for bandwidth requirements of said one or more telephony devices operably coupled to said TFA gateway on said LAN and for calls for which said server has not performed said call processing when processing calls for one or more second telephony devices as in claims 1 and 14; and the server being H.323 compatible as in claims 2, 5, 12, 13.

Wang et al. from the same or similar fields of endeavor teach that it is known to provide said PBX including a telephony feature access (TFA) gateway, a telephony over LAN (ToL) gatekeeper coupled to said LAN, and one or more telephony devices operably coupled to said TFA gateway for call processing (col. 11 line 13-63); and means associated with said server for accounting for bandwidth requirements of said one or more telephony devices operably coupled to said TFA gateway on said

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LAN and for calls for which said server has not performed said call processing when processing calls for one or more second telephony devices (col. 13 lines 26-49) and the server being H.323 compatible (col. 17 lines 59-67). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide said PBX including a telephony feature access (TFA) gateway, a telephony over LAN (ToL) gatekeeper coupled to said LAN, and one or more telephony devices operably coupled to said TFA gateway for call processing; and means associated with said server for accounting for bandwidth requirements of said one or more telephony devices operably coupled to said TFA gateway on said LAN and for calls for which said server has not performed said call processing when processing calls for one or more second telephony devices and the server being H.323 compatible as taught by Wang et al. in the telecommunications system of Sriram et al. The PBX including a telephony feature access (TFA) gateway, a telephony over LAN (ToL) gatekeeper coupled to said LAN, and one or more telephony devices operably coupled to said TFA gateway for call processing; and means associated with said server for accounting for bandwidth requirements of said one or more telephony devices operably coupled to said TFA gateway on said LAN and for calls for which said server has not performed said call processing

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when processing calls for one or more second telephony devices and the server being H.323 compatible can be implemented by connecting the one or more telephony devices to the telephony feature access (TFA) gateway and having the gateway and the gatekeeper of Wang et al. connected to the PBX and LAN, respectively, of Sriram et al. and using server that's H.323 compatible. The motivation for providing said PBX including a telephony feature access (TFA) gateway, a telephony over LAN (ToL) gatekeeper coupled to said LAN, and one or more telephony devices operably coupled to said TFA gateway for call processing; and means associated with said server for accounting for bandwidth requirements of said one or more telephony devices operably coupled to said TFA gateway on said LAN and for calls for which said server has not performed said call processing when processing calls for one or more second telephony devices and using server that's H.323 compatible as taught by Wang et al. in the telecommunications system of Sriram et al. being that the server of Sriram et al. provides the added feature of a more capable compound network apparatus that function independently as well as with each other for call processing by monitoring and accounting of bandwidth.

Regarding claims 9, 11, 17, 19-20:

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For claims 9, 11, 17, and 19-20 Sriram et al. disclose all the subject matter of the claimed invention with the exception of said ToL server returning an acknowledge message to said PBX when said ToL server is informed that said call is completed as in claim 9; wherein said informing step is performed by a client making said call processed by said PBX, and wherein said message is sent to said client as in claim 11; a TFA client that is H.323 compliant but receives call functions from said TFA gateway and PBX as in claim 17; wherein a TFA client is configured to provide a call request to said gatekeeper and, if said gatekeeper determines that bandwidth is available, provide a subsequent call request to said TFA gateway as in claim 19; and wherein a TFA client is configured to submit a call request to said TFA gateway and inform said gatekeeper of said call request as in claim 20.

Wang et al. from the same or similar fields of endeavor teach that it is known to provide said ToL server returning an acknowledge message to said PBX when said ToL server is informed that said call is completed (col. 23 lines 16-49 and col. 32 line 62 to col. 33 line 35); wherein said informing step is performed by a client making said call processed by said PBX, and wherein said message is sent to said client (col. 11 line 13-63); a TFA client that is H.323 compliant but receives call

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functions from said TFA gateway and PBX (col. 11 line 13-63 and col. 17 lines 59-67); wherein a TFA client is configured to provide a call request to said gatekeeper and, if said gatekeeper determines that bandwidth is available, provide a subsequent call request to said TFA gateway (col. 11 line 13-63 and col. 13 lines 26-49); and wherein a TFA client is configured to submit a call request to said TFA gateway and inform said gatekeeper of said call request (col. 11 line 13-63 and col. 13 lines 26-49). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide said ToL server returning an acknowledge message to said PBX when said ToL server is informed that said call is completed; wherein said informing step is performed by a client making said call processed by said PBX, and wherein said message is sent to said client; a TFA client that is H.323 compliant but receives call functions from said TFA gateway and PBX; wherein a TFA client is configured to provide a call request to said gatekeeper and, if said gatekeeper determines that bandwidth is available, provide a subsequent call request to said TFA gateway; and wherein a TFA client is configured to submit a call request to said TFA gateway and inform said gatekeeper of said call request as taught by Wang et al. in the system and method of Sriram et al.

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The ToL server returning an acknowledge message to said PBX when said ToL server is informed that said call is completed; wherein said informing step is performed by a client making said call processed by said PBX, and wherein said message is sent to said client; a TFA client that is H.323 compliant but receives call functions from said TFA gateway and PBX; wherein a TFA client is configured to provide a call request to said gatekeeper and, if said gatekeeper determines that bandwidth is available, provide a subsequent call request to said TFA gateway; and wherein a TFA client is configured to submit a call request to said TFA gateway and inform said gatekeeper of said call request can be implemented by providing these features in the terminal and call processor of Sriram. The motivation for providing said ToL server being informed that said call is completed; wherein said informing step is performed by a client making said call processed by said PBX, and wherein said message is sent to said client; a TFA client that is H.323 compliant but receives call functions from said TFA gateway and PBX; wherein a TFA client is configured to provide a call request to said gatekeeper and, if said gatekeeper determines that bandwidth is available, provide a subsequent call request to said TFA gateway; and wherein a TFA client is configured to submit a call request to said TFA gateway and inform said gatekeeper of said call request as

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taught by Wand et al. in the method and system of Sriram et al. being that it provides the added feature of status reporting to the server for better control and reliability of the system in Sriram et al.

Allowable Subject Matter

9. Claim 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haserodt discloses web-page interface to telephony features.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this

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action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications;
please mark "EXPEDITED PROCEDURE")

Or:

(for informal or draft communications, please
label "PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick Hom whose telephone number is (703) 305-4742. The examiner's regular work schedule is Monday to Friday from 8:00 am to 5:30 pm EST and out of office on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao, can be reached at (703) 308-5463.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

SH

November 4, 2003

DANG TON
PRIMARY EXAMINER